FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Ninth Supplement to General Order No. C-1]

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF ANTLER AND HANSBORO, NORTH DAKOTA, AS PORTS OF ENTRY FOR ALIENS ENTERING THE UNITED STATES

FEBRUARY 21, 1941.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 1 of Reorganization Plan No. V (5 F.R. 2223), and section 37 (a) of the act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and § 90.1, Title 8, Code of Federal Regulations (5 F.R. 3503), Antler, North Dakota and Hansboro, North Dakota, are hereby designated as ports for the entry of aliens into the United States, effective March 15, 1941.

Section 110.1, *Ports of entry for aliens*, Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 1, of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) is amended by inserting Antler between Ambrose, North Dakota, and Carbury, North Dakota, and Hansboro between Hannah, North Dakota and Maida, North Dakota, in the lists of ports of entry for aliens in District No. 13, effective March 15, 1941.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in charge Immigration and Naturalization Service.

Approved:

ROBERT H. JACKSON,
Attorney General.

[F. R. Doc. 41-1349; Filed, February 25, 1941; 10:21 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 15, B.A.I. Order 211, Rev.]

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

ORDER AMENDING REGULATIONS

Pursuant to the authority conferred upon the Secretary of Agriculture by the Act of Congress approved March 4, 1907 (34 Stat. 1260; 21 U.S.C. 71-91), Title 9, Chapter I, Subchapter A, Code of Federal Regulations (B.A.I. Order 211, Revised), as amended, is hereby further amended, effective October 1, 1941, as follows:

Subsection (t) of § 1.1 (Reg. 1, sec. 1, par. 20) is amended to read as follows:

(t) *Meat product.* Any edible part of the carcass of any cattle, sheep, swine, or goat which is not manufactured, cured, smoked, processed, or otherwise treated.

Section 1.2 (Reg. 1, sec. 2) is revoked.

Section 16.14 (Reg. 16, sec. 3, par. 2, amdt. 7, July 25, 1933) is amended to read as follows:

§ 16.14 *Marking meat or product placed in casings to which artificial coloring is applied.* When meat or product is placed in casings to which artificial coloring is applied under § 18.6 (c) (Reg. 18, sec. 6, par. 3, amdt. 7, July 25, 1933), the article shall be legibly and conspicuously marked by stamping or printing on the casing or securely affixing to the article the printed words "artificially colored": *Provided*, That if the casing is removed from the meat or product at the official establishment and there is evidence of artificial coloring on the surface of the meat or product, the article from which the casing has been removed shall be marked by stamping directly thereon or by securely affixing thereto

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the printed words "artificially colored": *Provided further*, That when the casing is colored prior to its use as a covering for meat or product, the coloring shall be of a kind and so applied as not to be transferable to the meat or product and not to be misleading or deceptive with respect to color, quality, or kind of meat or product enclosed therein and the casing shall be marked with the words "casing colored" prominently displayed: *Provided further*, That sausage of the smaller varieties, such as frankfurters and pork sausage, shall bear the words "artificially colored" at least once on each 1½ pounds of product: *And provided further*, That when such meat or product is distributed from an official establishment in an immediate or true container of a type and size customarily sold at retail intact, the declaration of coloring on the label of the package shall be sufficient.

Part 16 (Reg. 16) is amended by adding the following new section:

§ 16.31 *Marking meat or product with the list of ingredients.* A meat or product fabricated from two or more ingredients shall bear a list of the ingredients, giving the common or usual names of the ingredients arranged in the order of their predominance, except that spices, flavoring (including essential oils, oleoresins, and other spice extractives), and colorings may be designated as "spices," "flavorings," and "colorings" without naming each. The list of ingredients shall be applied legibly and securely to the meat or product by means approved by the Chief of Bureau such as stamping, printing or the use of paper bands, or tied-in paper or fabric flaps on stuffed sausage, or tissue strips on loaflike articles: *Provided*, That meats and products for which definitions and standards of identity have been prescribed by regulation, which conform to such definitions and standards, and which bear the names specified in the definitions and standards together with such declaration of optional ingredients and other labeling features as are required in the applicable definitions and standards, need not bear lists of ingredients: *Provided further*, That sausage of the smaller varieties, such as frankfurters and pork sausage, and bockwurst shall bear the list of ingredients at least once on each 1½ pounds of product: *And provided further*, That when such meat or product is distributed from an official establishment in immediate or true container of a type and size customarily sold at retail intact, the list of ingredients on the label of the package shall be sufficient. (Reg. 16, sec. 2, par. 7)

Part 17 (Reg. 17; SRA, BAI 189, January 1923, "Relabeling Products"; SRA, BAI 190, February 1923, "Coined or Fanciful Names of Products" and "Designating Vegetable Fat Ingredients of Compound"; SRA, BAI 196, August 1923, "Approval of Labels and Other Markings on Meat and Products"; SRA, BAI 198, October 1923, "Approval of Labels and Other Markings on Meat and Products"; SRA, BAI 199, November 1923, "Approval of Labels and Other Markings on Meat and Products"; SRA, BAI 203, March 1924, "Distribution of Labels Bearing the Inspection Legend," "Use of the Term 'Bockwurst,'" and "Approval of Stencils, Box Dies, and Brands"; SRA, BAI 204, April 1924, "Net Weight of Meat and Meat Food Products in Official Establishments"; SRA, BAI 209, September 1924, "Approval of Gelatin Labels" and "Approval of Names and Terms Involved in Trade-mark Registration"; SRA, BAI 216, April 1925, "Approval of Cloth Containers" and "Approval of Inserts"; SRA, BAI 217, May 1925, "Labeling Products 'Baked'"; SRA, BAI 244, August 1927, "Approval of Combination Markings for Meat or Product"; SRA, BAI 248, December 1927, "Omission of Establishment Number from Cartons" and "Labeling Products Containing Pimiento"; SRA, BAI 250, February 1928, "Transparent Wrappings on Meat"; Circular Letter No. 1551, BAI, June 13, 1928; SRA, BAI 259, November 1928, "Labeling Products 'Shankless' and 'Hockless'"; SRA, BAI 275, March 1930, "Inspection Legend on Cellophane Wrappers"; SRA, BAI 301, May 1932, "Gelatin Permissible in Head Cheese"; SRA, BAI 304, August 1932, "Labeling Meat Food Products Containing Added Gelatin"; SRA, BAI 309, January 1933, "Net-Weight Ruling Applicable to Meat and Products in Package Form"; SRA, BAI 324, April 1934, "Gelatin Coating for Smoked Meats"; and Circular Letter No. 2060, BAI, November 2, 1937) is revoked, and Part 17 as hereinafter set out is substituted therefor:

PART 17—LABELING

§ 17.1 *Labeling required; supervision by Bureau employee.* (a) When, in an official establishment, any inspected and passed meat or product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate or true container, there shall be affixed to such container or covering a label as hereinafter described in this part: *Provided*, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: *Provided further*, That uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged meat or product bearing all required markings need not bear a label if the required markings are clearly legible through such coverings: *And provided further*, That animal and transparent artificial casings bearing no marks or printed features other than those required under Part 16 need not bear additional labeling.

(b) Folders and similar coverings made of paper or like material, which do not completely enclose the product and which bear any printed word or statement, shall possess all features required on a label for an immediate or true container.

(c) No container or covering which bears or is to bear a label shall be filled, in whole or in part, except with articles which have been inspected and passed in compliance with this subchapter, which are sound, healthful, wholesome, and fit for human food, and which are strictly in accordance with the statements on the label. No such container or covering shall be filled, in whole or in part, and no label shall be affixed thereto, except under the supervision of a Bureau employee.

§ 17.2 *Labels; what to contain, when and how used.* (a) Labels within the meaning of this part shall include any printing, lithographing, embossing, or

other marking on labels, stickers, seals, wrappers, or receptacles.

(b) Labels shall contain, prominently and informatively displayed, the true name of the meat or product; the word "ingredients" followed by a list of the ingredients when the meat or product is fabricated from two or more ingredients, except in case of meats and products for which definitions and standards of identity have been prescribed by regulation; the name and place of business of the manufacturer, packer, or distributor; an accurate statement of the quantity of contents; and an inspection legend and the number of the establishment, in the form shown herewith, on that portion of the label featuring the name of the meat or product, or, when

there are two or more panels, then on the principal display panels: *Provided*, That the name and place of business of the manufacturer, packer, or distributor and the statement of the quantity of contents may be omitted from labels for meat or product not required to be labeled under § 17.1: *Provided further*, That the establishment number may be omitted from the labels or cartons used as outer containers of edible fats, such as lard and oleomargarine, when such articles are enclosed in wrappers which bear an inspection legend and establishment number: *Provided further*, That a metal container on which an inspection legend is embossed may, with the approval of the Chief of Bureau, bear an inspection legend of different design and may be in abbreviated form: *And provided further*, That approved labels which, except as to form of the inspection legend and establishment number herein required, are in compliance with this subchapter may be used until January 1, 1943.

(1) The name of a meat or product shall be the common name, if any, and one which clearly and completely identifies the article. Meat or product which has been prepared by salting, smoking, drying, cooking, chopping, and the like shall be so described on the label unless the name on the article implies, or the manner of packaging shows, that the meat or product was subjected to such procedure or procedures. The unqualified terms "meat," "meat byproduct," "meat food product," and terms common to the meat industry but not to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of articles unless accompanied with terms descriptive of the meat or product or with a list of ingredients.

(2) The list of ingredients shall appear as part of or in addition to the true name of the product and shall show the common or usual names of the ingredients arranged in the order of their predominance, except that spices, flavorings (including essential oils, oleoresins, and other spice extractives), and colorings may be designated as "spices," "flavorings," and "colorings" without naming each. The name of an ingredient shall not be a collective name but shall be a specific name, as, for example, "beef," "pork," "beef tripe," "beef hearts," "sheep livers," "pork snouts," "flour," "corn flour," "potato flour," "water," "dried skim milk," "tomato puree," and "beef broth": *Provided*, That when the label bears the designation "compound" or "shortening," the term "animal and vegetable fats" or "vegetable and animal fats" may be employed to designate the ingredients of mixtures of such edible fats, whether unhardened or hardened singly or as a mixture. "Animal fats" as used herein means inspected and passed fat derived from cattle, sheep, swine, or goats.

(3) The name under which inspection is granted to an official establishment may appear without qualification upon the label or the container of an article prepared by the official establishment so named. When an article is prepared by an official establishment for a person other than one of those to whom inspection has been granted at that establishment, and the name of such person is to appear upon the label or container thereof, the name shall be qualified by a phrase which reveals the connection such person has with the food, as, for example, "prepared for _____."

(4) The statement of quantity shall represent in terms of avoirdupois weight or liquid measure the quantity of meat or product in the package (exclusive of materials packed with it) except as provided for in § 17.7. When no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure if the product is liquid or in terms of weight if the meat or product is solid, semisolid, viscous, or a mixture of solid and liquid. Unless the statement is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement expresses actual quantity, variations incident to packing in accordance with good commercial practice shall be allowed but the average shall not be less than the quantity stated: *Provided*, That packages of meat or product having a capacity of less than ½ ounce avoirdupois or less than ½ fluid ounce shall not be required to be labeled with the statement of the quantity of contents.

(c) Stencils, box dies, inserts, and like devices shall not bear an inspection legend or any abbreviation or representation thereof: *Provided*, That wooden boxes of light material, having a maximum capacity of 5 pounds and fiber-board containers may, upon approval by the Chief of Bureau, have an inspection legend and establishment number imprinted thereon.

(d) The establishment number shall be embossed on all sealed metal containers of inspected and passed meat and products filled in an official establishment, except that such containers which bear lithographed labels in which the establishment number is incorporated need not have the establishment number embossed thereon. Labels shall not be affixed to containers so as to obscure the embossed establishment number.

(e) When any meat or product is placed in a carton or in a wrapper of paper or cloth or in such other labeled container or covering as the Chief of Bureau may approve, an inspection legend and the establishment number, in form and substance as specified in subsection (b) of this section, may be embodied on a sticker to be securely and prominently affixed, along with the name of product, at a place on the label reserved and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel or panels. The inspection sticker shall not be used without the approval of the Chief of Bureau and shall be affixed to the label under the supervision of a Bureau employee.

§ 17.3 *Labeling in connection with definitions and standards of identity.* When inspected and passed meats or products are labeled with the names of, or are represented as, articles for which definitions and standards of identity have been prescribed by regulation, the labels shall conform to such definitions and standards.

§ 17.4 *Labels to be approved by Chief of Bureau.* (a) No label shall be used on any meat or product until it has been approved in its final form by the Chief of Bureau. Sketches, proofs, or photostats of new labels shall be submitted in triplicate, through the inspector in charge, to the Bureau for approval, and finished labels shall not be prepared in advance of such approval. After labels have been printed, lithographed, or embossed in accordance with the approved sketches, proofs, or photostats, they shall be submitted in quadruplicate, through the inspector in charge, to the Bureau for approval.

(b) Each copy of any sketch, proof, photostat, or finished label for a meat or product fabricated from two or more ingredients, when submitted to the Bureau for approval, shall be accompanied with a statement showing the kinds and percentages of the ingredients and mode of

preparation. Approximate percentages may be given when the percentages of ingredients may vary from time to time, if the limits of variation are stated. In case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, either photostats or printed layers, such as the kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(c) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers and coverings of meat or product shall be submitted for approval in the same manner as provided for labels in subsection (a) of this section, except that inspectors in charge may permit use of such devices which contain no reference to meat or meat food product and bear no misleading feature.

(d) Stencils and box dies may be used on shipping containers, including tierces, barrels, drums, boxes, crates, and large-size fiber-board containers provided the markings are applicable to the product, are not false or deceptive, and are used with the approval of the inspector in charge.

§ 17.5 *Inspector in charge to permit certain modifications of approved labels.* The inspector in charge shall permit the use of approved labels or other markings modified as follows, provided the label or marking as modified is so used as not to be false or deceptive:

(a) The approval by the Chief of Bureau of any label, labeling material, or brand shall constitute authority for the inspector in charge to permit the use of larger sizes of the label, labeling material, or brand on which all features of the marking are proportionately enlarged and the color scheme remains the same. Approval by the Chief of Bureau for a label shall be accepted by the inspector in charge as being in blanket form so far as concerns the figures denoting the quantity of contents. When any approved label, labeling material, or brand is changed by eliminating or adding any feature, approval by the Chief of Bureau shall be obtained for the changed label, labeling material, or brand before its use is permitted.

(b) A master or stock label from which the name and address of the distributor are omitted, if correct in all other respects, will be approved by the Chief of Bureau and thus obviate the necessity of individual approval to show the name and address of each distributor. However, the words "prepared for" or similar statement must be shown, together with the blank space reserved for the insertion, and all features including the name and address of the distributor shall be applied by printing or related process.

(c) Wrappers or other coverings bearing only floral or foliage designs, or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs, such as those commonly used during the Christmas and Easter seasons, need not be submitted to the Bureau for approval but may be used on permission of the inspector in charge. Such coverings may bear, in addition, statements of holiday greetings, such as "Merry Christmas," "Happy New Year," "Compliments of the Season," etc., and the name or name and address of the establishment, or the name or name and address of the distributor if properly qualified. Such coverings shall be submitted for approval if they bear illustrations of animals the carcasses of which come within the scope of this subchapter, illustrations of corn, nuts, or other materials recognized as feedstuffs for such animals, or statements not within the scope of those outlined above. The foregoing does not authorize the omission of labels or other markings required under this subchapter. The affixing of approved labels to such illustrated coverings does not necessitate the approval of the coverings to which the labels are affixed.

(d) A slight change in arrangement of directions pertaining to the opening of cans or the serving of the product, or in the application of the name of the establishment or distributor or qualifications accompanying such name, does not necessitate reapproval by the Chief of Bureau of the label involved.

(e) The substitution on approved labels and approved markings of such abbreviations as "lb." for "pound," "oz." for "ounce," or the substitution of the word "pound" or "ounce" for the abbreviation does not necessitate the submittal to the Chief of Bureau of the changed labels or markings for approval.

(f) Brands and stamps which are approved by the Chief of Bureau for imprinting, with a prescribed harmless marking fluid, on meat or product the inspection legend, trade marks, and the like, may be duplicated in preparing transfer labels, such as gelatin labels, except that if the transfer label is smaller in size it will be necessary to submit such transfer label to the Bureau for approval.

§ 17.6 *Approved labels to be used only on products to which they are applicable.* Labels shall be used only on products for which they are approved. They shall not be applied to any meat or product the container or covering of which bears any statement that is false or misleading or is so made, formed, or filled as to be deceptive or misleading.

§ 17.7 *Meat or product for foreign commerce; printing labels in foreign language permissible.* Labels to be affixed to packages of any meat or product for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported. The inspection legend and the establishment number shall in all cases appear thereon in English, but, in addition, may appear, literally translated in foreign languages.

§ 17.8 *False or deceptive names; established trade names; false indication of origin or quantity; use of names of countries, States, etc.; "farm," "country," etc., qualified by word "style"; labeling of lard, oleo oil, oleo stearin, etc.* (a) No meat or product, and no container thereof, shall be labeled with any false or deceptive name, but established trade names which are usual to such articles and are not false or deceptive and which have been approved by the Chief of Bureau may be used.

(b) A label for meat or product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the words "made from" or equivalent statement and the names of the ingredients arranged in the order of their predominance.

(c) No statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality shall appear on any label. For example:

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of meat or product identified with and peculiar to the locality represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or deceptive: *Provided,* That a geographical term which has come into general usage as a trade name and which has been approved by the Chief of Bureau as being a generic term may be used without the qualifications provided for in this paragraph. Hereafter the terms "frankfurter," "vienna," "bologna," "braunschweiger," "thuringer," "genoa" and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts, need not be accompanied with the word "style," "type," or "brand" or a statement identifying the locality in which the product is prepared.

(2) The word "ham" without any prefix indicating the species of animal from which derived shall be used on labels only

in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(3) The word "fresh" shall not be used on labels to designate meat or product which contains any sodium nitrate, sodium nitrite, saltpeter, potassium nitrite, or benzoate of soda or which has been salted for preservation.

(4) Such terms as "meat extract" or "extract of beef," without qualification, shall not be used on labels in connection with products prepared from organs or parts of the carcass other than fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

(5) Such terms as "farm," "country," and the like shall not be used on labels in connection with meat and products unless such meat and products are actually prepared on the farm or in the country. However, if the articles are prepared in the same way as on the farm or in the country, these terms, if qualified by the word "style" in the same size and style of lettering, may be used. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(6) The term "leaf lard" is applicable only to lard prepared from fresh leaf fat.

(7) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(8) When any meat or product is enclosed in a container along with a packing substance such as brine, vinegar, or agar agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of product, as, for example, "frankfurts packed in brine," "beef tongue packed in agar agar jelly," or "lamb tongue packed in vinegar," as the case may be. The statement of the quantity of contents shall represent the weight of the drained product when removed from the container to the exclusion of the packing substance.

(9) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not be considered to relieve any establishment from the requirement that its label shall not be misleading in any particular.

(10) The words "spice," "spices," and "spiced," without qualification, shall not be used unless they refer to genuine natural spices.

(11) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

(12) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin added," or "hardened vegetable fat added," as the case may be.

(13) When cereal, vegetable starch, starchy vegetable flour, dried milk, or dried skim milk is added to sausage within the limits prescribed under § 18.6 (e) (Reg. 18, sec. 6, par. 5, amdt. 8, May 8, 1935), there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "cereal added," "with cereal," "potato flour added," "cereal and potato flour added," "dried skim milk added," "cereal and dried skim milk added," as the case may be.

(14) Tierces, barrels, and half barrels containing lard, rendered pork fat, and mixtures of edible fats composed in whole or in part of animal fats shall, immediately before or immediately after filling, be legibly marked on one end and on the side near that end with the true name of the product. Pails, tubs, drums, and similar containers of such products shall bear the true name of the product on the side at the time of filling.

(15) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be misleading or deceptive.

(16) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(17) Product labeled "chili con carne" shall contain not less than 40 percent of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or weasand meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label. The mixture may contain not more than 8 percent of cereal.

(18) Product labeled "chili con carne with beans" shall contain not less than 25 percent of meat, computed on the weight of the fresh meat. Hearts, cheek meat, head meat, or weasand meat may be used to the extent of 25 percent of the meat ingredient under specific declaration on the label.

(19) Product labeled "corned beef hash" shall contain not less than 35 percent of corned beef. The basis of computation shall be the weight of the cooked and trimmed beef.

(20) As used on labels of meat or product, the term "gelatin" shall mean (i) the jelly prepared in official establishments by cooking pork skin, tendons, or other connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(21) The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin, respectively.

(22) The term "baked" shall apply only to the meat or product which has been cooked by the direct action of dry heat and for a sufficient time to permit the meat or product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied.

(23) Coverings shall not be of such color, design or kind as to be misleading or deceptive with respect to color, quality or kind of meat or product to which they are applied. For example, transparent or semi-transparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the meat or product, and transparent or semi-transparent coverings shall not have an amber or smoked color of such shade, degree or intensity as to give a false impression with respect to smoking or degree of smoking of the meat or product.

§ 17.9 *Labeling meat or product prepared with artificial coloring, artificial flavoring, or preservative.* Meat or product which bears or contains any artificial coloring, artificial flavoring, or preservative shall bear labeling stating that fact.

(a) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "artificially colored."

(b) When meat or product is placed in casings to which artificial coloring is applied under § 18.6 (c) (Reg. 18, sec. 6, par. 3, amdt. 7, July 25, 1933), there shall appear on the label in a prominent manner and contiguous to the name of the meat or product the words "artificially colored": *Provided*, That if the casing is removed from the meat or product at the establishment and there is evidence of the artificial coloring on the surface of the meat or product, there shall appear on the label in a prominent manner and contiguous to the name of the meat or product the words "artificially colored": *And provided further*, That when the casing is colored prior

to its use as a covering for meat or product, there shall appear on the label in a prominent manner and contiguous to the name of the meat or product the words "casing colored."

(c) When any artificial flavoring is added to meat or product, there shall appear on the label in prominent letters and contiguous to the name of the meat or product the words "artificially flavored."

(d) When any benzoate of soda is added to meat or product, there shall appear on the label in prominent letters and contiguous to the name of the meat or product a statement showing the presence and percentage of such benzoate of soda.

(e) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export," followed on the next line by the words "packed in preservative" or such equivalent statement as may be approved for this purpose by the Chief of Bureau, and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.

§ 17.10 *Re-use of inspection marks; re-use of containers bearing marks of inspection, labels, etc., requirements regarding.* (a) No Federal inspection marks which have been previously used shall be used again for the identification of any meat or product, except as provided for in subsection (b) of this section.

(b) All stencils, marks, labels, or other devices on previously used containers, whether relating to any meat or product or otherwise, shall be removed or obliterated before such containers are used for any meat or product, unless such stencils, marks, labels, or devices correctly indicate the article to be packed therein and such containers are refilled under the supervision of a Bureau employee.

§ 17.11 *Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.* (a) All labeling of meat and products required to be inspected by Bureau employees shall be in compliance with the regulations in this subchapter.

(b) No person shall apply or affix, or cause to be applied or affixed, any label to any article prepared or received in an official establishment, or to any container thereof, except in compliance with the regulations in this subchapter.

(c) No person shall, in an official establishment, fill or cause to be filled, in whole or in part, any container with any article required by the regulations in this subchapter to bear a label, except in compliance with the regulations in this subchapter.

(d) No person shall remove or cause to be removed from an official establishment any meat or product bearing a label unless such label be in compliance with the regulations in this subchapter.

§ 17.12 *Relabeling product, requirements regarding.* When it is claimed by an official establishment that some of its labeled meat or product which has been transported from the establishment is in need of relabeling on account of the labels' having become mutilated or otherwise damaged, the requests for relabeling the product shall be sent to the Bureau and accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed meat or product shall not be transported from an official establishment until permission has been received from the Bureau. The relabeling of inspected and passed meat or product with official labels shall be done under the supervision of an inspector of the Bureau. The establishment shall reimburse the Bureau, in accordance with regulations of the United States Department of Agriculture, for any cost involved in supervising the relabeling of such meat or product.

§ 17.13 *Distribution of labels bearing an inspection legend.* (a) Labels, wrappers, and cartons bearing an inspection legend and the establishment number shall not be forwarded from one official establishment to another, except by permission of the Chief of the Bureau.

(b) Labels, wrappers, and cartons bearing an inspection legend but not the establishment number may be transported from one official establishment to another without referring the matter to the Chief of Bureau, provided such shipments are made with the permission and under the supervision of the inspector in charge at the station of origin, who will notify the inspector in charge at destination concerning the date of shipment of the labeling material and the character and quantity of the materials involved. No such material shall be used at the establishment to which it is shipped unless approved for such establishment by the Chief of Bureau.

Subsection (b) of § 18.6 (Reg. 18, sec. 6, par. 2, amdt. 4, October 19, 1925) is amended to read as follows:

(b) There may be added to meat or product, with declaration when required under Parts 16 and 17 (Regs. 16 and 17), common salt, sugar (sucrose), refined corn sugar (dextrose), wood smoke, a vinegar, spices, sodium nitrate, sodium nitrite, saltpeter, and potassium nitrite. Benzoate of soda may be added to meat or product only with declaration as provided for under Parts 16 and 17 (Regs. 16 and 17).

Paragraph (3) of subsection (c) of § 18.6 (Reg. 18, sec. 6, par. 3 (c), amdt. 7, July 25, 1933) is amended to read as follows:

(3) They shall be declared as required under § 16.14 (Reg. 16, sec. 3, par. 2) and § 17.9.

Section 27.18 (Reg. 27, sec. 10) is amended to read as follows:

§ 27.18 *Marking and labeling of meat or product U. S. inspected and passed for importation; application of inspection legend.* (a) In addition to the name of the country of origin, which shall be preceded by the words "product of," meat or product offered for importation, whether or not enclosed in an immediate or true container, shall bear such other marks, stamps, brands, or labels as are necessary for compliance with Part 16 (Reg. 16). When such marks are imprints of stamps or brands and are made with marking fluid, the latter shall be harmless and of a kind to give permanency to the imprints. In case the name of the country of origin appears as part of an official stamp or brand of the National Government and such name is prominently and legibly displayed, the words "product of" may be omitted from such marking.

(b) The immediate or true container of meat or product offered for importation shall bear a label showing (1) the name of product; (2) the name of the country of origin preceded by the words "product of," which statement shall appear immediately under the name of product; (3) the word "ingredients" followed by a list of the ingredients in case of meats or products fabricated from two or more ingredients but not meats or products for which definitions and standards of identity have been prescribed by the regulations contained in this subchapter; (4) the name and place of business of the manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product, no part of which statement shall be misleading; and (5) an accurate statement of the quantity of contents. The labeling required in this subsection for containers shall be in addition to the marking of the product under subsection (a) of this section.

(c) (1) All outside containers of meat and products which have been inspected and passed in compliance with this part shall be marked by the inspector, or under his supervision, "U. S. Inspected and Passed by Department of Agriculture," or authorized abbreviation thereof and with the name or abbreviation of the name of the official station having jurisdiction over the inspection.

(2) To each immediate or true container of meat or product which has been inspected and passed in compliance with this part and which is to be removed from the outside container at a place other than an official establishment, and thereafter to be transported in interstate or foreign commerce or to an official establishment, there shall be securely affixed, under the supervision of an inspector, a sticker, approved by the Chief of Bureau, bearing an inspection legend and an identifying number.

(3) To each immediate or true container of meat or product which has been inspected and passed in compliance with this part and which is removed from an

outside container at an official establishment, a sticker bearing an inspection legend and the establishment number shall be securely affixed, before the same shall be allowed to leave the establishment.

Done at Washington, D. C., this 25th day of February 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-1357; Filed, February 25, 1941; 11:34 a. m.]

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO LEWIS HOFFMAN, DOING BUSINESS AS LEWIS HOFFMAN COMMISSION COMPANY, THE BONNER STOCK YARD, FORT SMITH, ARK.[1]

FEBRUARY 24, 1941.

Whereas, the Bonner Stock Yard, Fort Smith, Arkansas, was posted on May 28, 1935, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Bonner Stock Yard, Fort Smith, Ark., is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Bonner Stock Yard, Fort Smith, Arkansas, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-1355; Filed, February 25, 1941; 11:33 a. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO LUSK SALES YARDS, LUSK, WYO.

FEBRUARY 24, 1941.

Whereas in accordance with the provisions of section 301 of Title III and section 302 (a) and (b) of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, the Secretary of Agriculture posted the stockyard known as the Lusk Sales Yards, Lusk, Wyoming, as being subject to the provisions of said Act; and

Whereas it now appears that since the date of posting there has been a change in the name of the stockyard posted as the Lusk Sales Yards, Lusk, Wyoming, and that such stockyard is now being operated as the Lusk Sales Pavilion, Lusk, Wyoming:

Therefore, it is ordered, That the notice of the posting of the Lusk Sales Yards, Lusk, Wyoming, be and hereby is amended to show that the correct name of said stockyard is the Lusk Sales Pavilion, Lusk, Wyoming.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-1356; Filed, February 25, 1941; 11:33 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 97, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

LOGGING OF FLIGHT TIME BY SECOND PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 21st day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 1, 1941, § 61.523 of the Civil Air Regulations is amended to read as follows:

§ 61.523 *Logging flight time.* (a) A second pilot possessed of an airline transport pilot certificate and a type, weight and engine classification rating for the aircraft flown may log the total flight time during which he is on duty as second pilot. In addition, he may log all such flight time not logged previously which he acquired since May 5, 1932, during the period he held an aircraft rating for the aircraft flown, and either an airline transport pilot certificate, an airline pilot certificate, or a scheduled air transport rating;

(b) A second pilot not possessed of an airline transport pilot certificate and a type, weight and engine classification rating for the aircraft flown may log 50% of the total actual flight time or he may log the full flight time during which he was the sole manipulator of the controls: *Provided,* That if such time be in excess of 50% of the total flight time, the time so flown by the second pilot shall be certified by the first pilot.

By the Civil Aeronautics Board.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1359; Filed, February 25, 1941; 11:37 a. m.]

[Amendment 98, Civil Air Regulations]

PART 04—AIRPLANE AIRWORTHINESS

PROOF OF WINGS AND VIBRATION TESTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 603 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 1, 1941, Part 04, as amended, of the Civil Air Regulations is amended as follows:

1. By amending § 04.31 (not including any subsection thereof) to read as follows:

§ 04.31 *Proof of wings.* The strength of stressed-skin wings shall be substantiated by load tests (§ 04.302) or by combined structural analysis and tests (§ 04.301). The torsional rigidity of the wings shall be within a range of values satisfactory for the prevention of flutter. Compliance with such torsional rigidity requirement shall be demonstrated by static tests or other methods acceptable to the Administrator.

2. By amending § 04.323 to read as follows:

§ 04.323 *Vibration tests.* The natural frequencies of vibration of the wings, fuselage, and control surfaces shall be within such ranges of values as are satisfactory for the prevention of flutter. Compliance with this requirement shall be demonstrated by vibration tests or other methods acceptable to the Administrator.

By the Civil Aeronautics Board.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1360; Filed, February 25, 1941; 11:37 a. m.]

[Amendment 99, Civil Air Regulations]

PART 20—PILOT RATING

FLIGHT AREA LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective April 1, 1941, § 20.56 of the Civil Air Regulations is amended to read as follows:

§ 20.56 *Flight area limitations.* (a) No student pilot shall make a solo flight outside of an area, in the vicinity of the operating base of his instructor, prescribed in writing by the person directly in charge of the landing area on which the instructor's operating base is located and approved by the local inspector of the Administrator, unless such student pilot has been certified for cross-country solo flights.

(b) No student pilot certified for cross-country solo flights shall make a solo flight outside of the area, within a 50 mile radius of the operating base of his instructor, prescribed in writing by the person directly in charge of the landing area on which the instructor's operating base is located and approved by the local inspector of the Administrator: *Provided,* That a certificated flying school may prescribe in writing an area within a 100 mile radius of its operating base and, upon approval of said area by the local inspector of the Administrator, a student pilot enrolled in the flight curriculum of said school and certified for cross-country solo flights may fly solo within such area at the direction of said flying school.

(c) No limited-commercial pilot shall pilot an aircraft carrying persons for hire outside of the area within a radius of 10 miles of a particular operating base named in his Airman Rating Record: *Provided,* That upon 10 days' notice to and approval by the Administrator, said area specified in such record may be changed to a different area.

(d) No person shall operate an aircraft in solo flight outside the flight area specified in his pilot certificate or Airman Rating Record.

(e) Flight area designations submitted to the local inspector under subsections (a) and (b) hereof shall be deemed approved by him unless the person submitting the designations is otherwise notified by the inspector within 15 days from the date of submission.

By the Civil Aeronautics Board.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1361; Filed, February 25, 1941; 11:37 a. m.]

[Amendment 100, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

REQUIRING ALTITUDE RECORDING DEVICE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 21st day of February 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Section 61.34 of the Civil Air Regulations is amended by adding a new subsection to read as follows:

§ 61.341 *Altitude recording device.* No aircraft with a gross weight in excess of 10,000 pounds shall be operated in scheduled air transportation of passengers after January 1, 1942, unless it is equipped with a device or devices which make a record of the altitude of the aircraft and the use of the aircraft's radio transmitter at all times during flight. This device shall be so constructed and installed as to afford substantial protection of the record in the event of an accident to the aircraft.

By the Civil Aeronautics Board.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-1362; Filed, February 25, 1941; 11:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4115]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF IMPERIAL KNIFE COMPANY, INC.

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (kl) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) (3.2) *Using misleading name—Goods—Indorsements and testimonials.* Using, in connection with offer, etc., in commerce, of knives, the word "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b), [Cease and desist order, Imperial Knife Company, Inc., Docket 4115, February 5, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Imperial Knife Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its knives in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1351; Filed, February 25, 1941; 11:30 a. m.]

[Docket No. 4116]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF COLONIAL KNIFE COMPANY, INC.

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (kl) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) (3.2) *Using misleading name—Goods—Indorsements and testimonials.* Using, in connection with offer, etc., in commerce, of knives, the word "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Colonial Knife Company, Inc., Docket 4116, February 5, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material al-

legations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Colonial Knife Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its knives in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1352; Filed, February 25, 1941; 11:30 a. m.]

[Docket No. 4117]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF UTICA CUTLERY COMPANY

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (k1) *Misbranding or mislabeling—Success, use or standing:* § 3.96 (a) (3.2) *Using misleading name—Goods—Indorsements and testimonials.* Using, in connection with offer, etc., in commerce, of knives, the word "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Utica Cutlery Company, Docket 4117, February 5, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Utica Cutlery Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its knives in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Scout" or any other word or words of similar import or meaning, to designate, describe or refer to respondent's knives, or otherwise representing that said knives are sponsored, endorsed or approved by the organization known as The Boy Scouts of America, or that said knives form a part of the equipment of the members of said organization.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing seting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-1353; Filed, February 25, 1941; 11:30 a. m.]

[Docket No. 4329]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE REVIGATOR CORPORATION, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., in connection with offer, etc., of respondents' "ReVigator Pressure Cap" device, either alone or in combination with their "ReVigator Liquid Home Treatment for Scalp and Hair" and "ReVigator Liquid Shampoo" preparations, or any other device or products substantially similar thereto, whether sold under the same name or under any other name or names, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said device, either alone or in combination with their said preparations, which advertisements represent, directly or through inference, that the use of said device, ReVigator Pressure Cap, either alone or in combination with their products, Revigator Liquid Home Treatment for Scalp and Hair and Revigator Liquid Shampoo, or with either of them, or in combination with any other similar preparation or preparations, constitutes a cure or remedy for falling hair, fading hair, thinning hair or dandruff, or has any therapeutic value in the treatment of any of such disorders or conditions, in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales, or has any therapeutic value in the treatment of baldness or causes new hair to grow, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Revigator Corporation, et al., Docket 4329, February 5, 1941]

In the Matter of The Revigator Corporation, a Corporation, and E. O. Loeber, Individually and as President of The Revigator Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of the respondents, in which answers respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, The ReVigator Corporation, a corporation and its officers, and E. O. Loeber, individually, and as president of The ReVigator Corporation, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of their product, a device known as "ReVigator Pressure Cap", either alone or in combination with respondents' preparations "ReVigator Liquid Home Treatment for Scalp and Hair" and "ReVigator Liquid Shampoo", or any other device or products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from directly or indirectly;

(1) Disseminating or causing to be disseminated any advertisements (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference, that the use of said device, ReVigator Pressure Cap, either alone or in combination with respondents' products, ReVigator Liquid Home Treatment for Scalp and Hair and ReVigator Liquid

Shampoo, or with either of them, or in combination with any other similar preparation or preparations, constitutes a cure or remedy for falling hair, fading hair, thinning hair or dandruff, or has any therapeutic value in the treatment of any of such disorders or conditions in excess of cleansing the hair and scalp and temporarily removing accumulated dandruff scales, or has any therapeutic value in the treatment of baldness or causes new hair to grow;

(2) Disseminating or causing to be disseminated any advertisements by any means for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, ReVigator Pressure Cap, either alone or in combination with respondents' preparations, which advertisements contain any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-1354; Filed, February 25, 1941; 11:30 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-48]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS IN LOW VOLATILE SIZE GROUP 10 AND HIGH VOLATILE SIZE GROUP 22 FOR CERTAIN CODE MEMBERS IN DISTRICT 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed on September 28, 1940 by District Board 7, seeking temporary and final orders establishing price classifications and minimum prices for 3/8" x 0 coals produced at the mines named in the original petition; and

Temporary relief pending final disposition of this proceeding having been granted by an Order of the Director dated October 2, 1940, establishing temporary price classifications and minimum prices for 3/8" x 0 coals produced by certain mines set forth in "Schedule A" annexed to and made part of said Order; and

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division, Washington, D. C., on October 29, 1940; and the parties to this proceeding having waived the preparation and filing of a report by the Examiner; and

The Director having made Findings of Fact and Conclusions of Law in this matter dated February 13, 1941, which are filed herewith;

It is ordered, That the price classifications and minimum prices set forth in Schedule A annexed to and made part of my Order of October 2, 1940,[1] are hereby amended as follows:

(a) Delete therefrom the following mines, and the price classifications therefor:

Mine index No.	Code member	Mine name	Subdivision No.	Low volatile seam	Freight origin group No.
222	Atlantic Coal Sales Co	Asco No. 2	4	Davy-Sewell	30
127	Bellemead Coal Co	Bellemead	5	Sewell	14
603	Darr Red Ash Coal Co. (J. K. Short)	Darr	4	Red Ash	30
224	Leckie Smokeless Coal Co	Anjean No. 2	1	Fire Creek	17
94	Lillybrook Coal Co	Killarney	5	Pocahontas 3	18
103	Lillybrook Coal Co	Lillybrook #3	5	Pocahontas 4	18
223	Marianna Smokeless Coal Co	#2	5	Sewell	14
20	New River & Pocahontas Consolidated Coal Co	Berwind #11	4	Pocahontas 3 and 4	30
160	Pocahontas Fuel Co., Inc	Rolfe	3	Pocahontas 3	20
190	United States Coal & Coke Co	#6	3	Pocahontas 4	20

(b) Add thereto the following mines and the following price classifications for Size Group 10:

Mine index No.	Code member	Mine name	Price classification
59	Dunedin Coal Co., Inc	Dunedin	B
69	Fire Creek Coal & Coke Co	Fire Creek	B
159	Low Volatile Coal Co	Rock Lick	B
116	Mason Coal Co., Inc	Mason	B
123	Mill Creek Colliery Co	No. 1	C
210	Mullens Smokeless Coal Co	Mullens	B
135	New River Co	Oswald	B
180	New River Co	Tamroy	B
176	Pugh Coal Co	Stone Cliff	B

It is further ordered, That §§ 327.11 and 327.21 are amended by adding thereto the supplements dated February 13, 1941, which are hereinafter set forth.

Dated: February 13, 1941.

[SEAL] H. A. GRAY, *Director.*

SCHEDULE I

NOTE: The material contained in this Schedule is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

§ 327.11 *Low volatile coals: Alphabetical list of code members*

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Freight origin group No.	Price classification by size group No. 10
140	Beckley Fire Creek Coal Co	Penman	2	Beck. & Fr. Cr.	10	B
32	Brule Smokeless Coal Co., The	Brule #1	5	Poca. 6	14	B
39	Cedar Branch Coal Co	Cedar Branch	2	Sewell	10	B
63	Crab Orchard Improvement Co	Eccles #6	5	Sewell	18	B
54	Douglas Coal Company	Douglas	5	Fire Creek	14	B
59	Dunedin Coal Co., Inc	Dunedin #1	2	Fire Creek	10	B
64	Eli Smokeless Coal Company	Eli	2	Sewell	10	B
69	Fire Creek Coal & Coke Company	Fire Creek	2	Fire Creek	10	B
72	Gilliam Coal & Coke Company	Gilliam	3	Poca. 3	20	D
156	Imperial Smokeless Coal Company	Guinwood	1	Sewell	19	C
89	Jacobs Fork Pocahontas Coal Company	Jacobs Fork	4	Poca. 3	20	D
47	Johnstown Coal & Coke Company (W. Va.)	Crichton #1	1	Sewell	19	C
48	Johnstown Coal & Coke Company (W. Va.)	Crichton #2	1	Sewell	19	C
114	Koppers Coal Co., The	Maitland	3	Poca. 4	20	D
177	Koppers Coal Co., The	Stotesbury #5	5	Beckley	18	A
178	Koppers Coal Co., The	Stotesbury #8	5	Poca. 4	18	B
98	Lanark Smokeless Coal Company	Lanark	2	Fire Creek	10	B
203	Leckie Fire Creek Coal Company	Willabet	5	Beckley	14	B
4	Leckie Smokeless Coal Company	Anjean	1	Sewell	17	C
67	Low Volatile Coal Co	Erskine	2	Fire Creek	10	B
159	Low Volatile Coal Co	Rock Lick	2	Sewell	10	B
111	MacAlpin Coal Company	MacAlpin #1	5	Beckley	18	A
112	MacAlpin Coal Company	MacAlpin #2	5	Poca. 4	18	B

[1] 5 F.R. 3918.

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Continued

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Freight origin group No.	Price classification by size group No. 10
56	Maryland New River Coal Company	Dubree #2	2	Sewell	10	B
116	Mason Coal Company, Inc	Mason #1	2	Beck. & Fr. Cr	10	B
123	Mill Creek Colliery Company	#1	2	Sewell	10	C
210	Mullens Smokeless Coal Co	Mullens	5	Poca. 3	14	B
135	New River Company, The	Oswald	2	Sewell	11	B
180	New River Company, The	Tamroy	2	Sewell	11	B
170	New River Company, The	Sprague	2	Sewell	18	B
19	New River & Pocahontas Consolidated Coal Co	Berwind #9	3	Poca. 3	20	D
100	New River & Pocahontas Consolidated Coal Co	Layland	2	Fire Creek	10	B
101	New River & Pocahontas Consolidated Coal Co	Leslie	1	Sewell	17	C
136	Page Coal & Coke Company	Page	3	Poca. 3	20	D
139	Pemberton Coal & Coke Company	#4	5	Poca. 4	18	B
144	Pocahontas Corporation, The	Pocahontas #31	4	Poca. 5	20	E
176	Pugh Coal Company, Inc	Stone Cliff	2	Fire Creek	10	B
164	Shockley Creek Coal Co	Sewell	5	Sewell	14	B
70	Susanna Pocahontas Coal Co	Fire Creek	4	Fire Creek	30	F
211	Vera Pocahontas Coal Co	#3	3	Poca. 3	20	D
6	Weyanoke Coal & Coke Company, The	Arista	3	Poca. 3	20	B

§ 327.21 *High volatile coals: Alphabetical list of code members*

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin group No.	Price classification by size group No.	
						For destinations other than Great Lakes, 22	For Great Lakes cargo only, 22
5	Gauley Mountain Coal Company, The	Ansted	2	No. 2 Gas	70	A	A
106	Koppers Coal Co., The	Long Branch	2	Eagle	15	A	A

[F. R. Doc. 41-1337; Filed, February 24, 1941; 11:49 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENTS TO REGULATIONS NOS. 4, 5, AND 7, RELATING TO LABELING AND ADVERTISING OF ALCOHOLIC BEVERAGES

TO CONSIDER AUTHORIZING WHISKEY, BRANDY, RUM AND GIN TO BE BOTTLED AT NOT LESS THAN 60° PROOF, AND FOR OTHER PURPOSES

FEBRUARY 24, 1941.

Purusant to the provisions of section 5 of the Federal Alcohol Administration Act, as amended,

Notice is hereby given of a public hearing to be held on March 18, 1941, at 10:00 a. m., in Room 5710, Internal Revenue Building, 10th and Pennsylvania Avenue Northwest, Washington, D. C., for the purpose of taking testimony with reference to the following proposed amendments to Regulations Nos. 4, 5, and 7, Relating to Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages, respectively (27 CFR, Parts 4, 5, and 7, respectively):

1. To amend section 33 (b) of Regulations No. 4, section 33 (b) of Regulations No. 5, section 23 (b) of Regulations 7, and other pertinent provisions of such regulations so as to specifically preclude the use of labels containing brand names which create misleading inferences as to the age, origin, identity, or other characteristics of the product (e. g., "Kentucky Belle Brand" for Illinois whiskey; "Old Oak Barrel Brand" on unaged whiskey; "Old Bourbon Brand" on a straight whiskey blend containing only 51% bourbon).

2. To amend section 39 (f) of Regulations No. 4, section 41 (b) of Regulations 5, section 29 (b) of Regulations No. 7, and other pertinent provisions of such regulations, to prohibit in specific terms any label or advertising matter for alcoholic beverages from containing any pictorial or other representation, whether in brand names or otherwise, relating to the American Army, Navy or Marine Corps, to the military forces of other nations, to men in military uniform, to existing military forts or camps, or to any flag of this or any other government, or any emblem, shield, insignia, decoration, or design associated with such flag or in simulation thereof.

3. To amend section 30 (b) of Regulations No. 4 so as to simplify the relabeling procedure, and to vest in the various District Supervisors of the Alcohol Tax Unit authority to pass upon applications for permission to relabel wines.

4. To amend Article II, section 21, of Regulations No. 5 in such manner as to authorize all types of whiskey, brandy, rum and gin to be bottled at not less than 60° proof, in lieu of the present requirement that all such products be bottled at a minimum proof of 80°.

5. To amend the standards of identity for "alcohol" or "neutral spirits" contained in Section 21, Class 1, of Regulations No. 5, so as to include all distilled spirits produced in an industrial alcohol plant, regardless of the proof at which such spirits have been distilled.

[SEAL] STEWART BERKSHIRE,
Deputy Commissioner.

[F. R. Doc. 41-1358; Filed, February 25, 1941; 11:36 a. m.]

WAR DEPARTMENT.

[Contract No. W535 ac-16784 (4086)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION, PIONEER INSTRUMENT DIVISION

Contract for: Indicator and Tube Assemblies and Data.

Amount: $3,186,315.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities, the available balances of which are sufficient to cover cost of same, as follows:

AC 28 P 82-1280 A 0705-01
AC 34 P 12-3037 A 0705-01

This Contract, entered into this 23d day of December 1940.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Indicator and Tube Assemblies and Data for the consideration stated Three million one hundred eighty-six thousand three hundred fifteen dollars $3,186,315.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the

materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Options. (1) The Government is granted the right and option at any time * * * days from and after date of approval of this contract to increase the quantity or quantities of articles called for under the terms of paragraph (1) of Article 16 of this contract to any quantity set forth herein and in the event of the exercise of this option, the unit price of each article furnished under the terms of any respective item, not exceeding the maximum quantities herein set forth, shall be the unit price specified herein for the total quantity of such item or items to be purchased.

(2) The Government is granted the further right and option at any time during the life of this contract to increase the quantity or quantities of articles called for under the terms of paragraph (1) of Article 16 hereof at not more than the unit prices stipulated by any amount not exceeding * * * per cent of the entire contract price stipulated, said increase to be applied as to all or any item or items at the option of the Government.

Termination when Contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of the Act of March 5, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1345; Filed, February 25, 1941; 9:55 a. m.]

[W 271-ORD-505]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WALWORTH COMPANY, INC.

Contract for: Machining * * * Shell, * * *.

Amount: $2,088,360.00.

Place: Chicago Ordnance District Office, 309 West Jackson Boulevard, Chicago, Illinois.

The machining of * * * Shell, * * * to be obtained by this instrument is authorized by, is for the purpose set forth in, and is chargeable to Procurement Authority O. S. & S. A. ORD 6818 P11-0270 A 1005-01, the available balance of which is sufficient to cover the cost thereof.

This contract, entered into this 6th day of January 1941.

Scope of this contract. The contractor shall furnish and deliver Machining * * * Shell * * * for the consideration of two million eighty-eight thousand three hundred sixty ($2,088,-360.00) dollars, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Liquidated damages. If the Contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof, the Contractor shall pay to the Government, as fixed, agreed, and liquidated damages * * * per cent of the contract price of the undelivered portion for each day of delay in making delivery beyond the dates set forth in the contract for deliveries with a maximum liquidated damage charge of * * * per cent and the Contractor and his sureties shall be liable for the amount thereof.

Increased quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * per cent and at the Unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Performance bond. Contractors shall be required to furnish a performance bond in duplicate in the sum of ten per centum of the total amount of this contract with surety or other security acceptable to the Government to cover the successful completion of this contract.

Place of manufacture. The Contractor will perform the work under this contract in the factory or factories listed below:

Walworth Company, Inc.
Kewanee, Illinois

This contract is authorized by the Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-1344; Filed, February 25, 1941; 9:55 a. m.]

[Contract No. W 535 ac-17489 (4296)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FAIRCHILD AVIATION CORPORATION

Contract for: Cameras, Miscellaneous Equipment & Data.

Amount: $3,174,390.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 34 P 12-3037 A 0705-01, the available balance of which is sufficient to cover cost of same.

This Contract, entered into this 6th day of January 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Cameras, miscellaneous equipment and data for the consideration stated three million one hundred seventy four thousand three hundred ninety dollars ($3,174,390.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted

by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when Contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-1346; Filed, February 25, 1941; 9:55 a. m.]

[Contract No. W 535 ac-16692 (4062)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: KOLLSMAN INSTRUMENT DIVISION OF SQUARE D COMPANY

Contract for: Altimeter Assemblies and Data.

Amount, $2,745,985.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-3037 A 0705-01
AC 28 P 82-3037 A 0705-01
AC 30 P 85-3059 A 0705-01
AC 28 P 82-3022 A 0705-01

This Contract, entered into this 7th day of January 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government all of the articles and data called for under the terms of Article 16 hereof for the consideration stated two million seven hundred forty-five thousand nine hundred eighty-five dollars ($2,745,985.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Articles and supplies called for and prices thereof.* (1) The Contractor shall furnish and deliver to the Government all of the following articles in the quantities and at the prices indicated below:

Item No.	Article	Total price
1	Altimeter assembly, * * * ----	$1,350,000.00
2	Altimeter assembly, * * * ----	1,395,985.00
	Total----------	2,745,985.00

(3) The Contractor shall furnish and deliver to the Government but without additional cost therefor, the following engineering data to-wit:

(a) * * * Vandykes of bill of material covering the articles called for under the terms of this Article.

(b) * * * Vandykes of * * * drawings and parts lists covering the articles called for under the terms of this Article.

(c) * * * Handbook of Instructions and Parts Catalog covering the articles called for under the terms of this Article.

(d) Priced Parts Lists in vandyke form to permit procurement of spare parts while the instruments on contract are in production.

ART. 19. *Option.* (1) The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of Altimeter Assemblies called for under the terms of Article 16 hereof, to any quantity set forth herein, and in the event of the exercise of this option, the unit price of each Altimeter Assembly furnished under the terms of Item 2, not exceeding the maximum quantity herein set forth, shall be the unit price specified herein for the total quantity of such item to be purchased.

(2) The Government is granted the further right and option at any time during the life of this contract to increase the quantity or quantities of the Altimeter Assemblies called for under the terms of Article 16 hereof, at not more than the unit price stipulated, by any amount not exceeding * * * percent of the entire contract price stipulated.

ART. 21. *Termination when Contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-1347; Filed, February 25, 1941; 9:56 a. m.]

[Contract No. W 535 ac-17301 (4216)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION PIONEER INSTRUMENT DIVISION

Contract for: * * * Drift Meters, Type * * *, and Data.

Amount, $1,942,560.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-3037 A 0705-01----- $1,618,800.00
AC 28 P 82-3037 A 0705-01----- 323,760.00

This Contract, entered into this 8th day of January 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government for the consideration stated one million nine hundred forty-two thousand five hundred sixty dollars ($1,942,560.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the

contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART 16. *Articles and supplies called for and prices thereof.* (1) The Contractor shall furnish and deliver to the Government all the following articles.

* * * Meters, Drift, total price_ $1,942,560.00

(3) The Contractor shall furnish and deliver to the Government, but without additional cost therefor, the following engineering data:

(a) Vandykes of bill of material.

(b) Vandykes of Class A drawings and parts lists covering said articles.

(c) Handbook of Instructions and Parts Catalog covering said articles.

(d) Priced parts list in vandyke form to permit procurement of spare parts for the Drift Meters called for hereunder while same are in production.

ART. 19. *Option.* (1) The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity of articles called for under the terms of Article 16 of this contract to any quantity set forth herein, and in the event of the exercise of this option, the unit price of each article furnished, not exceeding the maximum quantity herein set forth, shall be the unit price specified herein for the total quantity of articles to be purchased.

(2) The Government is granted the further right and option at any time during the life of this contract to increase the quantity of articles called for under the terms of Article 16 hereof at not more than the unit prices stipulated by any amount not exceeding * * * percent of the entire contract price stipulated.

ART. 21. *Termination when Contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the Contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-1348; Filed, February 25, 1941; 9:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO APPLY FOR RECONSIDERATION OR PETITION FOR REVIEW OF THE DETERMINATION OF REASONABLE COST TO THE ATLANTA, BIRMINGHAM, AND COAST RAILROAD OF BOARD, LODGING OR OTHER FACILITIES CUSTOMARILY FURNISHED TO EMPLOYEES OF THE ATLANTA, BIRMINGHAM, AND COAST RAILROAD

Whereas the Atlanta, Birmingham, and Coast Railroad Company petitioned for a determination by the Administrator of the reasonable cost of furnishing its employees with board, lodging, or other facilities, pursuant to section 3 (m) of the Fair Labor Standards Act of 1938 and Regulations, Part 531, as amended,[1] Title 29, Chapter V, Code of Federal Regulations; and

Whereas the Acting Administrator of the Wage and Hour Division gave notice of a public hearing to be held in Atlanta, Georgia on October 17, 1940, before Mr. Harold Stein, who was designated the Administrator's representative and who was authorized to hear and determine

The reasonable cost to the applicant of customarily furnishing board, lodging, or other facilities to its employees,

and whereas following such hearing the said Harold Stein duly found and determined as follows:

1. The dwellings, water and fuel which the Atlanta, Birmingham, and Coast Railroad Company furnishes to its employees are facilities within the meaning of Part 531 of the Regulations.

2. The reasonable annual costs of furnishing housing to its employees, as of December 31, 1940 are the following:

Class I houses (two-room unit)	$34.88
Class II houses	31.12
Class III houses (two-room unit)	27.56
Boxcars	16.69

These reasonable costs are the maximum annual rentals which may be deducted from wages for housing under section 3 (m) of the Fair Labor Standards Act.

3. The amount of money paid to municipalities for water actually furnished to section laborers may be regarded as the reasonable cost of furnishing water.

4. The petitioner does not incur any cost in furnishing old ties to its employees for use as fuel.

and whereas such findings and determination were duly filed with the Administrator on February 12, 1941, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and are there available for examination by interested parties;

Now, therefore, pursuant to the provisions of § 531.3 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, (a) make application to the said Harold Stein for a reconsideration of this determination if it can be shown that there is additional evidence which may materially affect the determination and that there were reasonable grounds for failure to adduce such evidence in the original proceedings or, (b) file a petition for a review of the determination by the Administrator or an authorized representative who took no part in the action subject to review.

Upon publication of this Notice, the Atlanta, Birmingham, and Coast Railroad Company, pursuant to the provisions of § 531.2 of the said Regulations, shall notify its employees of their right to apply for reconsideration or petition for review of this determination, by posting notices to this effect in conspicuous places on its premises.

Signed at Washington, D. C., this 21st day of February 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-1363; Filed, February 25, 1941; 11:48 a. m.]

[1] 5 F.R. 3633.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6002]

APPLICATION OF J. P. MARCHANT, D. J. CAREY & MELVIN MYER (TRANSFERORS) AND THE TRIBUNE CO. (TRANSFEREE)

NOTICE OF HEARING

Application dated December 23, 1940, for Transfer control of Lake Region Broadcasting Co., Licensee of Station WLAK; class of service, broadcast; class of station, broadcast; location, Lakeland, Florida; present operating assignment: Frequency, 1,310 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether a grant of this application would be consistent with the condition contained in the grant heretofore made to The Tribune Company for the construction of a new station (WFLA) at Tampa, Florida.

2. To determine whether there has been a direct or indirect transfer of control of Lake Region Broadcasting Company, licensee of WLAK, Lakeland, Florida, from any one or more of its stockholders to The Tribune Company, and/or any subsidiary thereof, and/or any other person or entity, without having first obtained the written consent of the Commission, as required by section 310 (b) of the Communications Act of 1934.

3. To determine whether any contracts, agreements or understandings, either written or oral, have been entered into with respect to the voting rights in stock of Station WLAK, the ownership or control over it, with respect to rights

or interests therein, or the use, management or operation of the station by any person or entity other than the licensee, which have not been reported to the Commission as required by Rule 43.1 (formerly Rule 340.01).

4. To determine the extent to which the service area of Station WFLA overlaps the service area of Station WLAK.

5. To determine whether the granting of the application would place the ownership or control of the only broadcasting station located in Lakeland, Florida in a corporation which is licensed to operate another broadcast station serving in whole or in part the Lakeland area, and which is the publisher of a newspaper circulated in said area, and if so, whether such ownership and/or control would result substantially in a monopoly of the media for general dissemination of intelligence in said area.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

J. P. Marchant, Lakeland, Florida.
Melvin A. Myer, Tampa, Florida.
D. J. Carey, Eaton Park, Florida.
The Tribune Company, % Truman S. Green, Tampa, Florida.

Dated at Washington, D. C., February 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-1365; Filed, February 25, 1941: 11:53 a. m.]

[Docket No. 6009]

APPLICATION OF CAMDEN BROADCASTING CO. (NEW)

NOTICE OF HEARING

Application Dated June 25, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Camden, New Jersey; operating assignment specified: Frequency, 800 kc.; power, 500 w.; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station in the public interest.

2. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service.

3. To determine whether the grant of this application would preclude the most efficient use of the frequency requested in this or other communities.

4. To determine the nature, extent and effect of any interference which would result should the applicant's proposed station operate simultaneously with Station WNYC.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Camden Broadcasting Company, care of Aaron Heine, 1008 West Jersey Trust Building, Camden, New Jersey.

Dated at Washington, D. C., February 24, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-1364; Filed, February 25, 1941; 11:53 a. m.]

[Docket No. 6012]

APPLICATION OF VEE BEE CORPORATION (WPAY)

NOTICE OF HEARING

Application dated May 22, 1940, for renewal of license; class of service, broadcast; class of station, broadcast; location, Portsmouth, Ohio; present operating assignment: Frequency, 1,370 kc.; power, 100 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and had designated the matter for hearing for the following reasons:

1. To determine whether the applicant has made false and misleading representations to the Commission, in violation of the Communications Act of 1934, particularly section 308 thereof, and the Commission's Rules and Regulations, particularly Rules 1.353 and 1.364 of the Rules of Practice and Procedure, and has failed to file information required by Rule 43.1 of the Rules Governing the Filing of Information.

2. To determine whether the station has been operated by any person without a license to do so, in violation of the Communications Act of 1934, particularly section 301 thereof.

3. To determine whether control of the applicant has been transferred, either indirectly or directly, without the Commission's consent first having been applied for and secured in writing, in violation of the Communications Act of 1934, particularly section 310 (b) thereof.

4. To determine whether any of the rights granted to the applicant in and by the terms of the station license have been by it transferred, assigned or in any manner disposed of without the written consent of the Commission, in violation of the Communications Act of 1934, particularly section 310 (b) thereof.

5. To determine whether Brush-Moore Newspapers, Inc., Chester A. Thompson and other persons have entered into and carried out an arrangement, intended to, and resulting in, a transfer of control of the applicant to Brush-Moore Newspapers, Inc. without the knowledge or consent of the Commission, in violation of the Communications Act of 1934, particularly section 310 (b) thereof.

6. To determine whether applicant, while holding a license for the station, has assumed the responsibilities and discharged the duties of a licensee of a radio-broadcast station as required by the Communications Act of 1934 and the Commission's Rules and Regulations.

7. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

Pursuant to the order of the Commission adopted on February 4, 1941, the hearing on the above-described application will be consolidated with the current hearing on the application for consent to transfer control of the licensee corporation from Chester A. Thompson to the Brush-Moore Newspapers, Inc. (Docket No. 5867).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102

of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Vee Bee Corporation, Radio Station WPAY, 1009 Gallia St., Portmouth, Ohio.

Dated at Washington, D. C., February 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-1366; Filed, February 25, 1941; 11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-260]

IN THE MATTER OF THE KANSAS ELECTRIC POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than March 13, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Kansas Electric Power Company, a direct subsidiary of The Middle West Corporation, a registered holding company, proposes to issue and sell 26,450 shares of 5% Preferred Stock, Cumulative, of the par value of $100 per share and to apply the proceeds therefrom, together with other moneys of the Company, to the redemption of $2,000,500 par amount of outstanding 7% Preferred Stock and $644,900 par amount of outstanding 6% Junior Preferred Stock of the Company.

The Company proposes to offer to the holders of its outstanding 7% Preferred Stock and 6% Junior Preferred Stock the privilege of exchanging their shares for the new 5% Preferred Stock with a cash adjustment for the difference between the redemption price of the shares now outstanding and the initial public offering price of the new 5% Preferred Stock. Shares not taken under the exchange offer are proposed to be offered publicly by underwriters.

The voting rights proposed to be accorded the 5% Preferred Stock to be issued will have the effect, in certain contingencies, of decreasing the voting power of the shares of Common Stock of the Company now outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-1350; Filed, February 25, 1941; 11:28 a. m.]

[File No. 70-258]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, DRESSER POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1941.

Notice is hereby given that a declaration or application (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than March 12, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or amended, may become effective or may be granted, as provided in Rule U-8 of the rules and regulations promulgated pursuant to said Act. Any request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Public Service Company of Indiana (hereinafter sometimes termed "Public Service") is a direct subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, and Dresser Power Corporation (hereinafter sometimes termed "Dresser") is a wholly-owned subsidiary of Public Service.

Dresser is engaged in constructing at Dresser, Indiana, a 50,000-kw. electric generating unit and appurtenant facilities, which it is expected will be completed and ready for operation about May 1, 1941. It is also the owner of certain electric transmission lines and an electric substation which it recently constructed. It is engaged in no other business and has contracted to sell its generating and transmission facilities to Public Service.

Declarations or applications are pending before the Commission with respect to the consolidation (among other companies) of Public Service and Dresser (File Nos. 70-181 & 34-43)

Dresser has outstanding $4,800,000 principal amount of its First Mortgage Bonds, 3%-4%, due October 15, 1942-April 15, 1958. It is proposed that Dresser will transfer to Public Service all of its assets except the sum of $1,000 and that Public Service will assume the payment of the Dresser bonds. It is also proposed that Dresser and Public Service will then call for redemption, or purchase at not more than face value plus accrued interest, the presently outstanding bonds of Dresser and that Public Service will obtain funds for redeeming or discharging the Dresser bonds by the issuance and sale of $4,650,000 of Public Service's First Mortgage Bonds, Series B, 3½%, due March 1, 1971, to John Hancock Mutual Life Insurance Company at 104¾.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*

[F. R. Doc. 41-1367; Filed, February 25, 1941; 11:55 a. m.]